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Attorneys for Defendants

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

SHALLU RANI DIETZ,

Plaintiff,

v.

ALEJANDRO MAYORKAS, Secretary of U.S.  
Department of Homeland Security, *et al.*,

Defendants.

C 4:23-cv-01021 DMR

**STIPULATION REMANDING CASE TO  
UNITED STATES CITIZENSHIP AND  
IMMIGRATION SERVICES, PURSUANT TO  
8 U.S.C. § 1447(b) and ~~PROPOSED~~ ORDER**

Plaintiff commenced an action pursuant to 8 U.S.C. § 1447(b), requesting this Court to adjudicate his application for naturalization that was pending before the United States Citizenship and Immigration Services (“USCIS” or “the agency”) for more than 120 days after Plaintiff had been interviewed. USCIS now is prepared to resolve this matter by adjudicating Plaintiff’s application for naturalization. However, USCIS cannot adjudicate the application until the Court remands the matter to the agency. *See* 8 U.S.C. § 1447(b) (explaining that the district court “may remand [a Section 1447(b) case], with appropriate instructions, to the [USCIS]”); *United States v. Hovsepien*, 359 F.3d 1144, 1160 (9th Cir. 2004) (accord).

Accordingly, subject to the Court’s approval, IT IS HEREBY STIPULATED that:

Stipulation to Remand  
C 4:23-cv-01021 DMR

1           1.       The Court shall remand this case to USCIS, 630 Sansome Street, San Francisco, CA  
2 94111, directing the agency to take all necessary actions, to include the issuance of a Notice of Intent to  
3 Deny (“NOID”) on Plaintiff’s application for naturalization, within fourteen days of the remand. USCIS  
4 will issue a decision within thirty days after receiving Plaintiff’s response to the NOID.

5           2.       Each of the parties shall bear their own costs and fees.

7 Dated: May 9, 2023

Respectfully submitted,<sup>1</sup>

8 ISMAIL J. RAMSEY  
9 United States Attorney

10 /s/ Elizabeth Kurlan  
11 ELIZABETH D. KURLAN  
12 Assistant United States Attorney  
Attorneys for Defendants

13 Dated: May 9, 2023

14 /s/ Arash Yasrebi  
15 ARASH YASREBI  
16 Attorney for Plaintiff

17 ~~PROPOSED~~ ORDER

18 Pursuant to stipulation, IT IS SO ORDERED.

19  
20 Date: May 9, 2023

21   
22 HON. DONNA M. RYU  
23 United States Chief Magistrate Judge  
24  
25  
26

27 <sup>1</sup> In accordance with Civil Local Rule 5(h)(3), the filer of this document attests that all  
28 signatories listed below concur in the filing of this document.